

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1358 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning local
- 3 government.
- 4 Page 9, between lines 29 and 30, begin a new paragraph and insert:
- 5 "SECTION 7. IC 36-2-11-12 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) The recorder
- 7 shall index each volume of instruments the recorder records by:
- 8 (1) the name of each grantor, promisor, or covenantor, in
- 9 alphabetical order and cross-referenced to the proper grantee,
- 10 promisee, or covenantee; and
- 11 (2) the name of each grantee, promisee, or covenantee, in
- 12 alphabetical order and cross-referenced to the proper grantor,
- 13 promisor, or covenantor.
- 14 (b) The recorder shall accurately maintain separate indexes of all the
- 15 records of:
- 16 (1) deeds for real estate; and
- 17 (2) mortgages on real estate;
- 18 in the recorder's office. The recorder shall index each deed or mortgage
- 19 alphabetically, by the name of each grantor and grantee or mortgagor
- 20 and mortgagee, and shall include in each index entry a concise
- 21 description of the real property, the date of the deed or mortgage, and
- 22 the number or letter of the book and the page at which each deed or
- 23 mortgage is recorded.
- 24 **(c) The recorder shall maintain any information that is**
- 25 **submitted under section 12.5 of this chapter.**
- 26 SECTION 8. IC 36-2-11-12.5 IS ADDED TO THE INDIANA
- 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 28 [EFFECTIVE JULY 1, 2009]: **Sec. 12.5. (a) As used in this section,**
- 29 **"owner" means an individual, partnership, limited liability**
- 30 **company, corporation, trust, or other entity in whose name title to**
- 31 **real property is vested.**

1 (b) The legislative body of a county may adopt an ordinance
2 providing that the requirements under this section apply in the
3 county.

4 (c) If the legislative body of a county has adopted an ordinance
5 under subsection (b), the following apply when any instrument of
6 title to real property located in the county is recorded:

7 (1) If the address of any owner of the real property is different
8 from the address of the real property, the address and
9 telephone number of such an owner must be provided to the
10 county recorder and included in the index under section 12 of
11 this chapter.

12 (2) If the owner listed in the index under section 12 of this
13 chapter for the real property is not an individual, the name,
14 address, and telephone number of an individual who:

15 (A) is an officer, employee, director, member, trustee, or
16 manager of the owner; and

17 (B) is authorized by the owner to accept on behalf of the
18 owner any service of process, order, demand, or other
19 notice required or permitted by law to be served upon the
20 owner;

21 must be provided to the county recorder and included in the
22 index under section 12 of this chapter.

23 (3) If the owner listed in the index under section 12 of this
24 chapter for the real property is an individual who is not a
25 resident of Indiana, the name, address, and telephone number
26 of the owner must be provided to the county recorder and
27 included in the index under section 12 of this chapter.

28 (4) The owner of the real property must:

29 (A) provide notice to the county recorder if any of the
30 information previously provided to the county recorder
31 under subdivisions (1) through (3) becomes outdated or for
32 any reason becomes inaccurate; and

33 (B) update the information required under subdivisions (1)
34 through (3).

35 The owner of the real property must provide the notice and
36 update the information not more than thirty (30) days after
37 the information becomes outdated or inaccurate.

38 (5) If the owner of the real property:

39 (A) does not provide the information required under
40 subdivision (2) or (3); or

41 (B) does not provide the notice and updated information,
42 as required by subdivision (4);

43 any notice concerning the real property that is sent by the
44 state of Indiana or a political subdivision to the individual and
45 address most recently provided under this subsection for the
46 real property is considered to be sufficient notice to all owners
47 of the real property.".

48 Renumber all SECTIONS consecutively.

(Reference is to EHB 1358 as printed March 13, 2009.)

Senator BREAU